

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

- v. -

CITY OF NEW YORK and NEW YORK  
CITY DEPARTMENT OF PARKS AND  
RECREATION,

Defendants.

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**CONSENT DECREE**

02 Civ. 4699 (DC)(MHD)

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WHEREAS, the United States of America (the “United States”) brought this action under its authority, pursuant to 42 U.S.C. § 2000e-6, to commence suit against an employer when the Attorney General of the United States has reasonable cause to believe that the employer has violated Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e (“Title VII”), by engaging in a pattern or practice of unlawful discrimination;

WHEREAS, the United States alleges in its complaint that the New York City Department of Parks and Recreation (the “Parks Department”) has engaged in a pattern or practice of discrimination against black and Hispanic employees on the basis of their race and/or national origin in making promotion decisions;

WHEREAS, the United States specifically alleges that the Parks Department has engaged in a pattern or practice of promoting whites into upper level positions by hand-picking them, without posting vacancies or following a competitive promotion process, in contravention of its own internal policies, and in a manner that discriminates against black and Hispanic employees;

WHEREAS, the defendants deny each and every allegation in the complaint and admit no fault or liability, and specifically deny that the Parks Department has engaged in a pattern or practice of promoting whites into upper level positions by hand-picking them, deny that the Parks Department has engaged in a pattern or practice of promoting whites into upper level positions without posting vacancies or following a competitive promotion process, deny that the Parks Department has engaged in a pattern or practice of promoting whites in contravention of its own internal policies, and deny that the Parks Department has engaged in a pattern or practice of promoting whites in a manner that discriminates against black and Hispanic employees;

WHEREAS, the defendants specifically deny that the Attorney General of the United States has reasonable cause to believe that defendants have violated Title VII by engaging in a pattern or practice of unlawful discrimination, and specifically allege that the United States has failed to state a claim upon which relief can be granted;

WHEREAS, the parties, having the mutual goal of ensuring equal employment opportunity within the Parks Department, and desiring to settle this action and to avoid protracted, expensive and unnecessary litigation, agree to the entry of this Consent Decree to resolve all issues that were or could have been raised by the United States in its complaint;

NOW, THEREFORE, in resolution of these consolidated actions, and with agreement of all parties, it is hereby ORDERED, ADJUDGED, and DECREED as follows:

**I. DEFINITIONS**

As used in this Consent Decree, the following terms (whether capitalized or lower-cased) shall have the following meanings:

- (a) “The Commissioner” refers to the Parks Department Commissioner;
- (b) “Day” or “days” refers to calendar and not business days, unless otherwise specified.
- (c) “Defendants” refers to the City of New York and the New York City Department of Parks and Recreation;
- (d) The “effective date of this Consent Decree” refers to the date this Consent Decree is entered on the docket.
- (e) “Employee” refers to any employee of the Parks Department, including any employee who receives a portion of his or her salary or pay from a non-profit entity, except that for purposes of Sections V (Performance Appraisals), VII (Tracking In-House Titles), VIII (Training), IX (Career Counselors) and XII (EEO Training) of this Consent Decree, the term “employee” is limited to active Parks Department employees who work a full-time schedule on a year round basis.
- (f) An “in-house title” refers to a Parks Department job title, other than a civil service title, that is used by an employee in the ordinary course of business or in interacting with the general public.
- (g) A “job vacancy” refers to any vacant position within the Parks Department that requires working a full time schedule on a year round basis, either existing or newly created, known either by its civil service or in-house title, that the Parks Department has decided to fill, and for which there is no existing civil service list from which the appointment to fill the position must be made.

(h) A “manager” or “managerial employee” refers to any employee paid under the City’s Managerial Pay Plan.

(i) A “PAR” refers to a Personnel Action Request.

(j) “Parties” refers to the United States and Defendants.

(k) “Personnel Division” refers to the Parks Department’s central Personnel office presently located in Arsenal West and headed by the Parks Department’s Director of Personnel.

(l) “Plaintiff” refers to the United States of America.

(m) A “posting” refers to any written or electronic notice or advertisement of a job vacancy.

(n) A “promotion” refers to a discretionary appointment to a position of greater rank and responsibility and an accompanying increase in salary within six months after the change in rank and responsibility.

(o) A “supervisor” or “supervisory employee” refers to any employee who has direct oversight responsibilities for another employee, and who is responsible for completing performance appraisals for another employee.

(p) The “term of this Consent Decree” refers to the entire period of time during which the Court retains jurisdiction over the Consent Decree, as set forth in Section II of this Consent Decree.

## **II. JURISDICTION**

1. This Court has jurisdiction over the parties and the subject matter of this action, and the Court retains jurisdiction over the parties to enforce and administer the terms of the Consent Decree for three years after the effective date.

2. This Consent Decree shall be dissolved three (3) years from its effective date. The Court may extend the term of the Consent Decree upon consent of the parties, or upon an application of the United States for good cause shown. For purposes of this Consent Decree, good cause shown shall mean that the United States has demonstrated that (a) Defendants have failed to comply with the substantive requirements of the Consent Decree or (b) unforeseen circumstances have frustrated the implementation of the Consent Decree.

### **III. GENERAL INJUNCTIVE RELIEF**

3. The Parks Department, its officials, agents, employees, and successors are enjoined from engaging in any act or practice that has the purpose or effect of unlawfully discriminating against employees in making promotion decisions based on race, color, or national origin, including but not limited to:
  - a. adopting or implementing any policy, process, or practice for job appointments, promotions, seasonal step-up appointments, or hiring that has the purpose or effect of discriminating against any employee, applicant, or prospective applicant based on race, color, or national origin; and
  - b. creating or implementing any internship or recruitment program that has the purpose or effect of discriminating against any employee, applicant, or prospective applicant based on race, color, or national origin.
4. The Parks Department, its officials, agents, employees, and successors are enjoined from retaliating against any person because that person has participated or cooperated with counsel for the United States in the investigation and/or litigation of this case or administration of this Consent Decree.

**IV. POSTING AND THE PROCESS FOR FILLING JOB VACANCIES**

5. During the term of this Consent Decree, the Parks Department shall at all times maintain a written policy governing the posting and filling of vacant job positions. The purpose of such a policy is to implement a fair and consistent process that requires job vacancies to be posted before being filled, and that allows Parks Department employees to learn of job vacancies, apply for such vacancies, and compete on merit for promotional opportunities. The policy shall meet the following criteria:

- a. Scope. The policy shall apply to job vacancies for all full-time, year-round positions, known either by their in-house title or civil service title, except that the following positions may, in the discretion of the Parks Department, be excluded from the policy's application: (i) the positions of Deputy Commissioner, Assistant Commissioner, Borough Commissioner, General Counsel, and Chief of Staff to the Commissioner, which may filled at the discretion of the Parks Commissioner; (ii) lateral transfers (which are employee transfers from one job location to another, without change in civil service title, in-house title, or salary); (iii) interim "acting" appointments, for a time-limited period, to fill an emergency need declared in writing by an appropriate Parks Department official; and (iv) appointments into entry level civil service job titles, into which Parks Department employees could not be promoted in the civil service line of promotions and for which there is no associated "in-house" job title. (Job vacancies in these entry level civil service job titles will nevertheless be posted within the Parks Department).

- b. Creation of new in-house positions. The policy shall require the Parks Commissioner (or the Commissioner's delegee) to approve the creation of any new in-house job positions or titles.
- c. Prompt notification of vacancies. The policy shall include a protocol for ensuring that the Parks Department's Personnel Director, and any other personnel responsible for posting vacancies, are promptly notified of all job vacancies that the agency intends to fill.
- d. Practice of seeking internal applicants. The policy shall memorialize and continue the Parks Department's practice of, whenever possible, filling job vacancies from within the agency through internal postings. To that end, the policy shall require all postings to include internal postings.
- e. Posting content. The policy shall include a protocol for developing job postings to ensure that postings fairly describe the essential job functions of the position, and specify the minimum qualifications necessary, application deadline, and anticipated salary level or range.
- f. Posting Time Period. The policy shall require vacancies to be posted internally for a reasonable period of time, and by methods intended to maximize employees' ability to learn about job vacancies within the Parks Department. The policy shall also include a protocol for extending the time frame for internal postings when internal postings are followed by citywide or external postings, or under other appropriate circumstances.

- g. Applying for Job Vacancies. The policy shall include a protocol for how Parks Department employees may apply for job vacancies. That application process should facilitate the ability of Parks Department employees to apply for vacant positions without undue burden.
- h. Recommending Panel. The policy shall require that, for the filling of each job vacancy, a recommending panel of no fewer than three Parks Department employees be designated to (i) review the written job applications for the vacancy, (ii) interview qualified applicants, and (iii) recommend to the selecting official the panel's top three choices, in order of preference, of the applicants best qualified to fill the position. The policy shall also include a protocol for how interviews should be conducted to ensure that interviews are fair and non-discriminatory. Further, the policy shall prohibit from serving on a recommending panel any employee against whom there has been a substantiated claim of discrimination within the preceding five years.
- i. Selecting Official. The policy shall require the designation of a selecting official for the filling of each job vacancy. Further, in the event the selecting official declines to select one of the recommending panel's top three choices for the position, the policy shall require the selecting official to document in writing the reason(s) why.
- j. EEO Office Review of Process. The policy shall include a protocol under which the Parks Department's EEO Office shall be responsible for reviewing and monitoring the agency's process for filling vacancies, to ensure that the process



complies with the City of New York's EEO policies, and to ensure that any detected instances of potential discrimination are promptly investigated and addressed.

- k. "Acting" Appointments. The policy shall include a protocol to ensure that "acting" appointments are made only on the basis of bona fide emergency need, and that such appointments are of short duration and not made for the purpose of evading the policy. To that end, the policy shall require a posting for the job vacancy to go out no later than fifteen (15) business days after the "acting" appointment, and interviews for position to start within 60 days absent documented extraordinary circumstances, and shall further provide that, absent documented extraordinary circumstances, no employee may serve in a position in an "acting" capacity for longer than six months.

6. The United States has reviewed the policy adopted by the Parks Department, entitled "Policy for Posting and Filling Job Vacancies, dated July 2004 (Revised)" ("the Policy," copy attached hereto as Exhibit A), and the United States agrees that this policy meets the criteria specified above in paragraph 5.
7. If, during the term of the Consent Decree, Defendants find it necessary to modify any provision of the Parks Department's Policy for Posting and Filling Job Vacancies, Defendants will provide written notice to the United States at least thirty (30) days in advance of the date that the proposed modification is to take effect. The notice shall include a full and complete description of the proposed modification, the reasons therefor, and the date upon which it is to take effect. Defendants further agree to comply with any

reasonable request of the United States for information or documents necessary to evaluate a proposed modification to the Policy. Within the 30-day period, the United States may file an application with the Court objecting to implementation of the proposed modification on the grounds that the modification threatens to frustrate the objectives of the Consent Decree or that the Defendants have not provided the United States with the information and documents necessary to evaluate it. In the event that the United States makes such an application, Defendants will not implement the proposed modification without court approval. Nothing in this provision shall limit the ability of the United States to apply to the Court to challenge a modification to the Policy if, subsequent to the implementation of that modification, the United States obtains information demonstrating that the modification has frustrated the Consent Decree's objectives.

8. The Parks Department's Policy for Posting and Filling Job Vacancies will be posted on the Department's intranet and hard copies of the Policy will be made available at the following locations: (1) Central Personnel, 24 West 61st Street, New York, New York; (2) Litchfield Villa, 95 Prospect Park West, Brooklyn, New York; (3) Ranaqua, 1 Bronx River Parkway, Bronx, New York; (4) The Overlook, 80-30 Park Lane, Kew Gardens, New York; and (5) Stonehenge, 1150 Clove Road, Staten Island, New York. The Parks Department will also post a notice about the availability of hard copies of the Policy at each of the locations where vacancy notices are posted. In the event the Parks Department revises the Policy during the term of the Consent Decree, the Parks Department will ensure that the revised version is promptly posted and made available in the same manner and locations described in this paragraph.

9. During the Term of the Consent Decree, the Parks Department shall maintain data on all job vacancies filled at the agency. Such data shall, at a minimum, include (i) the title and geographic location of the job position filled, (ii) the date the position was filled, (iii) the name and race/ethnicity of the person selected to fill the position, (iv) an indication of how the position was filled (i.e., “pursuant to Policy’s posting and selection process,” “off permanent civil service list,” “at discretion of Commissioner”) and, (v) when applicable, an explanation of why the position was not filled pursuant to the Policy.

**V. PERFORMANCE APPRAISALS**

**A. Completion of Performance Appraisals**

10. The Parks Department will continue to require that a performance appraisal be completed for every employee on an annual basis.
11. The due date for completed performance appraisals will be April 15 of each calendar year.
12. No later than March 15 of each calendar year, the Personnel Division will notify all chiefs and deputy chiefs with the responsibility for having performance evaluations completed by their subordinates of the upcoming due date for completed performance appraisals, and that completed appraisals must be returned to the Personnel Division.
13. No later than May 15 of each calendar year, the Personnel Division will compile a list, called the “Performance Appraisal Delinquency List,” including the names of all chiefs and deputy chiefs whose subordinates failed to submit completed performance appraisals for any of their subordinates by the April 15 due date. Once the Performance Appraisal Delinquency List has been compiled, the Personnel Division will notify every chief and

deputy chief on that List that the completed appraisals are past due, and that, if the completed appraisals that he or she is responsible for are not received within thirty (30) days then he or she will be identified to the Commissioner and Borough Commissioners as a chief or deputy chief who is delinquent in his or her responsibility for having performance appraisals completed by his or her subordinates.

14. No later than August 15 of each calendar year, the Personnel Division will give the Commissioner and Borough Commissioners the "Performance Appraisal Delinquency List," containing the names of all chiefs or deputy chiefs who are delinquent in their responsibility for having performance appraisals completed by their subordinates.
15. It will be the responsibility of each Borough Commissioner, or his or her designee, to contact the delinquent chief or deputy chief in his or her borough, and to ensure that all outstanding performance appraisals for employees in that borough are promptly completed and submitted.
16. A supervisory conference with the Borough Commissioner or his or her designee will be required for any chief or deputy chief whose name appears on the Performance Appraisal Delinquency List as of August 15 of the calendar year.
17. A chief's or deputy chief's delinquency in having performance appraisals completed by his or her subordinates will be considered in evaluating that chief's or deputy chief's job performance and in making promotions decisions concerning that chief or deputy chief.
18. The obligations set forth in paragraphs 11-17 will commence for the performance appraisals due April 15, 2006.

**B. Amendment of Performance Appraisal Forms**

19. Within ninety (90) days following the effective date of this Consent Decree, the Parks Department will utilize revised performance appraisal forms used to evaluate all Parks Department employees (both managerial and non-managerial) that will require a notation as to whether the employee has been found by the Parks Department to have engaged in conduct that violates the Parks Department's and/or the City's EEO policy, including whether the employee has failed to cooperate with the EEO Office when requested to do so and, in the case of manager or supervisors, if the employee promptly reported any allegations of discriminatory conduct.

**VI. INTERNSHIP PROGRAMS**

20. During the term of this Consent Decree, any paid internship program offered by Parks will be structured so that:
- a. interns, upon entry to the Parks Department, are appointed only to "intern only" job position(s) designated by the Parks Department, all of which positions must be non-supervisory in nature;
  - b. appointments to "intern only" positions may not be longer than one (1) year in duration;
  - c. The Parks Department shall not appoint any intern to a regular status position unless the intern has applied for a job vacancy and been selected for that position in accordance with the Parks Department's Policy for Posting and Filling Job Vacancies; and

- d. interns are not eligible to apply directly from an “intern only” position for a supervisory position. Rather, an intern must hold a regular status, non-supervisory position before applying for any supervisory position.

## **VII. TRACKING IN-HOUSE TITLES**

- 21. The creation and use of all in-house titles must be approved by the Commissioner.
- 22. Within ninety (90) days of the effective date of this Consent Decree, the Parks Department will compile a computer database that records all current employees’ in-house titles that are different than those employees’ civil service titles and are recognized by the Parks Department. The Park Department will maintain and regularly update the database to reflect changes in an employee’s in-house title or any new in-house title. Within ninety (90) days of the effective date of the Consent Decree, Defendants will also provide the United States a list of all in-house titles currently in use.
- 23. From the effective date of this Consent Decree, every PAR submitted to the Commissioner will note in the Justification/Comments section of the PAR the employee’s current in-house title, if any, and any change in in-house title in connection with the requested personnel action.

## **VIII. TRAINING**

- 24. Within ninety (90) days of the entry of the Consent Decree, the Parks Department, in conjunction with the City of New York Department of Administrative Services (“DCAS”), will compile and offer to Parks Department employees on an annual basis fifteen (15) supervisory and managerial courses (consisting of five course topics, of which at least three will be supervisory). These courses will be designed to enhance the

supervisory and/or managerial skills and training opportunities of employees who presently serve in, or seek to serve in, supervisory or managerial positions at the Parks Department. The only “qualification” requirement will be that managerial courses are limited to supervisory and managerial employees. However, any employee may qualify for the supervisory courses. An employee may take up to three (3) such courses a year.

25. The training opportunities described in this Section will be advertised on the Parks Department intranet website and in whatever other manner the Parks Department normally advertises training opportunities to its employees.
26. Nothing in this Section will require the Parks Department to offer more than fifteen (15) supervisory or managerial courses through DCAS in a given calendar year. Nor will the Parks Department be required to give a supervisory or managerial course through DCAS unless at least twenty-five (25) employees have enrolled for the course.
27. The Parks Department will keep records indicating the employees who (i) attended the above-referenced supervisory or managerial training courses, (ii) were waitlisted for such courses due to course oversubscription or undersubscription, and (iii) were deemed unqualified for a managerial course. Such records shall include a notation as to each employee’s race/ethnicity.
28. In the event that the above-described courses are undersubscribed, so that in the first twelve months that such courses are offered fewer than twelve (12) courses are actually given, the parties agree to meet and confer as to whether the twenty-five (25) minimum enrollment provision should be amended, or whether some other action is necessary to encourage enrollment for these training opportunities.

**IX. CAREER COUNSELORS**

29. No later than sixty (60) days after the effective date of this Consent Decree, and for the term of this Consent Decree, the Parks Department will designate no fewer than five (5) Career Counselors, at least one in each Borough, who will be available to meet or speak with all employees regarding those employees' career paths at the Parks Department. The Career Counselors will, among other things, be provided with sufficient information and training to ensure that they are able to advise employees regarding (i) how the Parks Department posts and fills job vacancies, (ii) how they can access posting notices for job vacancies at the Parks Department and at other New York City agencies, (iii) what civil service "career ladders" exist at the Parks Department, the permanent civil service promotional opportunities open to employees in their particular career ladder, and how to move to another career ladder, (iv) the Parks Department's policies on transfers, and how they can apply for transfer, (v) scheduled dates for upcoming civil service examinations they are eligible to take, and (vi) available training opportunities, such as classes offered at the Parks Training Academy or through DCAS that might help their career advancement. Career Counselors may also provide other career guidance as appropriate. The Parks Department will publicize the names and contact information of the designated Career Counselors and advise all employees of how they may schedule a career counseling session.
30. Within sixty (60) days of the effective date of this Consent Decree, the Parks Department will implement a "Career Consultation Form" to be used in connection with the counseling sessions described in paragraph 29, above. The Career Consultation Form



shall be completed by the Career Counselor promptly following the counseling session for the purpose of capturing information concerning the type of guidance or advice provided to the employee during the session. The Career Consultation Form will ask for the following information: (a) the employee's name, (b) the date of the session, (c) the employee's present job position, (d) the employee's future career ambitions at the Parks Department, (e) any specific questions or concerns the employee wishes to discuss, and (f) a summary of type of information or advice given to the employee during the session. A copy of every completed Career Consultation Form will be sent to the Personnel Division and maintained centrally by the Director of Personnel.

31. Employees will be entitled to one-hour of paid leave time, during business hours, in any twelve-month period, for the purpose of meeting with a Career Counselor.

**X. OPERATION OF THE PARKS DEPARTMENT'S EEO OFFICE**

32. The parties agree that it is important for the Parks Department to operate an effective EEO Office. The Parks Department agrees to comply with all provisions of the City of New York Equal Employment Opportunity Policy ("the City EEO policy"), including but not limited to the provision of the City EEO policy providing that: "Where a person exercises his or her right to file a complaint with a federal, state or local administrative agency (known as an "external complaint") based on or related to the same facts and circumstances of an internal complaint, the agency EEO Officer will transfer the matter to the agency General Counsel, who will be responsible for any further handling of the matter."

33. Within three (3) months of the Consent Decree's entry, the Parks Department will provide the United States with a draft of its revised, agency-specific equal employment information guidebook. The United States will have thirty (30) days to provide any comments upon the draft, after which time the Parks Department will finalize the guidebook and distribute it to all employees at the next employee EEO training.

**XI. INVESTIGATION OF DISCRIMINATION COMPLAINTS  
BY THE EEO OFFICE**

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34. The Parks Department EEO Office will investigate complaints of discrimination consistent with the following principles:
- a. The EEO Office will be responsible for ensuring that a prompt, thorough and impartial investigation is conducted, and issuing a final report within ninety (90) days of the receipt of a complaint, unless there is good cause to require more time.
  - b. The investigation will include good faith efforts to interview the complaining party, the accused party(ies) and such other witnesses as are necessary to a fair determination.
  - c. The investigation will also include obtaining and reviewing material documents, including those identified as relevant by the complaining party, as are necessary to a fair determination.
  - d. Data generated from previous complaints that have been received by the Parks Department regarding the same alleged discriminating official(s) or the same allegation(s) will be consulted to determine the existence of any pattern of conduct.

- e. If the complaining party or any other employee refuses to cooperate in the EEO Office's investigation, reasonable efforts will be made to complete the investigation. Any employee's lack of cooperation will be documented, but no retaliatory action will be taken against the complaining party for failing to cooperate in the investigation.
- f. Upon completion of an investigation and approval of the findings by the Commissioner, the EEO Office will promptly communicate to the complaining party and the alleged discriminating official(s) a summary of the conclusion reached as a result of the investigation.
- g. During the pendency of the EEO investigation, the EEO Officer will speak to the complaining party to ensure that he or she has not suffered retaliatory conduct. Any allegations regarding retaliation will be investigated.

## **XII. EEO TRAINING**

- 35. During the term of the Consent Decree, the Parks Department will conduct mandatory, annual EEO training of its employees.
- 36. Within sixty (60) days of the entry of the Consent Decree, the Parks Department will develop and, provide to the United States for review and comment, its plan for conducting EEO training, including written materials describing training content, and any materials to be distributed to employees during the training.
- 37. EEO training for the Parks Department's managers and supervisors will specifically emphasize that managers and supervisors: (1) are accountable to the agency head for effectively implementing EEO-related policies; (2) must perform managerial or

supervisory responsibilities in a non-discriminatory manner; (3) are obligated to cooperate with the EEO Officer in the implementation of EEO policies and standards; and (4) must promptly consult with the agency's EEO Officer if s/he knows, has been informed, or suspects that a violation of this policy has occurred and allow employees to meet with EEO professionals at the earliest practical time consistent with the operational needs of his/her unit. This training shall be mandatory for all supervisors and managers.

38. For all EEO training given, the Parks Department shall maintain records demonstrating attendance (i.e. a dated sign-in sheet or the equivalent).
39. Within thirteen (13) months of the entry of the Consent Decree, the Parks Department will make good faith efforts to certify that all of its employees have received EEO training.

**XIII. DISSEMINATION OF INFORMATION ABOUT THIS CONSENT DECREE**

40. No later than fourteen (14) days following the effective date of the Consent Decree, the Commissioner will issue a statement to be e-mailed to all Parks Department employees with Intranet access, posted on the Parks Department's Intranet website, posted on the Parks Department's public Internet website, and distributed in hard copy to all Parks Department employees, announcing this Consent Decree, emphasizing the Commissioner's commitment to eliminating discrimination, including discrimination based on race, color, and national origin, within the Parks Department, and stating that a hard copy of the Consent Decree will be available at the following locations: (1) Central Personnel, 24 West 61st Street, New York, New York; (2) Litchfield Villa, 95 Prospect Park West, Brooklyn, New York; (3) Ranaqua, 1 Bronx River Parkway, Bronx, New

York; (4) The Overlook, 80-30 Park Lane, Kew Gardens, New York; and (5) Stonehenge, 1150 Clove Road, Staten Island, New York. The Parks Department will also post a complete copy of the Consent Decree, and the exhibit thereto, on its Intranet website.

#### **XIV. OVERSIGHT PROCESS**

##### **A. Reporting**

41. During the term of this Consent Decree, Defendants will provide counsel for the United States with six (6) reports, as follows. Defendants will provide the United States with five reports covering six-month reporting periods, with the first such reporting period beginning on the first day of the month following the effective date of this Consent Decree. These five reports will be due within sixty (60) days from the closing of the respective reporting period. Defendants will provide the United States with the sixth and final report sixty (60) days before the expiration of the Consent Decree and the reporting period for the final report will cover the period from the closing date of the fifth report until ten (10) business days prior to its issuance. For each of these six reports, Defendants will provide the United States with the following information and documents relating to the reporting period in question:

- a. A numerical tally and breakdown by race/ethnicity, of the (i) appointments made pursuant to the Parks Department Policy for Posting and Filling Vacancies; (ii) appointments not made pursuant to the Policy (i.e., because the job vacancies at issue are expressly excepted from the Policy's coverage, as in the case of appointments to entry level civil service titles, and to the positions of Borough Commissioner, Assistant Commissioner, Deputy Commissioner, General

Counsel, and Chief of Staff to the Commissioner, or for some other reason); (iii) “acting” appointments; and (iv) lateral transfers. (This tally can be provided in the form of a letter.)

- b. For all “acting” appointments referenced in subparagraph (a), (i) the name of the employee; (ii) his or her race/ethnicity, (iii) the position held by the employee prior to the “acting” appointment (indicating both in-house and civil service title), (iv) the “acting” position to which the employee was appointed (indicating both in-house and civil service title), (v) the length of time the employee held (or has held) the “acting” position, and (vi) any justification memoranda regarding the acting appointment;
- c. The following databases maintained by the Parks Department, for the period in question: the VAT tracking database, the in-house title tracking database, and the PMS database (which shall include separate tabs for all job appointments made during the reporting period, all new hires during the reporting period, and all lateral transfers during the reporting period). Each of these databases shall be produced to the United States in a format that also reflects employees’ race/ethnicity.
- d. All complaints filed by a Parks Department employee, either with the Parks Department EEO Office or any external City, state or federal entity, alleging discrimination in promotions based on race, color or national origin, or alleging retaliation, and all reports of investigation or findings regarding those complaints;

- e. Copies of the Parks Department's EEO plan (if adopted or amended during the reporting period), and reports to DCAS or the New York City Equal Employment Practices Commission regarding the agency's EEO efforts;
- f. The training records maintained by the Parks Department pursuant to paragraph 27, above;
- g. Any memoranda to the Parks Department Commissioner prepared by the agency's Chief Financial Officer and EEO Director pursuant to the Parks Department's Policy for Posting and Filling Job Vacancies;
- h. Certifications of EEO training completed, and EEO training sign-in sheets;
- i. All Career Consultation Forms completed; and
- j. Performance Appraisal Delinquency Lists (showing which chiefs have failed to timely submit completed appraisals).

If any of the information set forth above does not exist or is not applicable for the relevant reporting period, Defendants shall so inform the United States in writing.

- 42. Any documents produced to the United States by Defendants pursuant to this Consent Decree will be treated as subject to the July 15, 2002 Confidentiality Order and June 30, 2003 Supplemental Stipulation and Protective Order entered in this case.

**B. Record-Keeping**

- 43. In addition to the documents identified in paragraph 42, above, during the term of this Consent Decree the Parks Department will retain all documents created for purposes of compliance with the Consent Decree and the following records and information:

- a. all documents created pursuant to the Parks Department's Policy for Posting and Filling Job Vacancies, including but not limited to all postings and "Job Appointment Packets" (as defined in the Policy).
  - b. all informal or formal EEO complaints received by Parks EEO Office, and reports of investigation or findings regarding each complaint;
  - c. all training rosters, indicating the Parks Department employees who applied for and/or received training provided or sponsored by the City of New York (including training provided to Parks Department employees by the Parks Training Academy, DCAS, or a non-City entity to which training for Parks Department employees has been outsourced);
  - d. all agency-specific EEO plans developed by the Parks Department (as required by the City EEO policy), both the draft versions submitted to DCAS for approval and the finalized copies; and
  - e. all information upon which the Parks Department's EEO plans are based.
44. The United States shall have the right to inspect and copy any and all such documents upon ten (10) business days' notice to Defendants without further order of the Court. Defendants agree to make the documents available for inspection in a single room in one centralized location. The United States agrees to bear the expense of copying such documents and to bring its own copying and/or scanning equipment onsite for that purpose, unless the parties consensually agree to some other copying arrangement.
45. During the term of this Consent Decree, the United States may request, in writing, access to any other Parks Department documents not identified in this Consent Decree that the



United States deems necessary to assess Defendants' compliance with the terms of the Consent Decree. If Defendants disagree with the propriety of any such request, any party may petition the Court to resolve the disagreement.

**C. Meetings with Counsel for United States**

46. Within thirty (30) days of receiving the reports described in paragraph 41, above, counsel for the United States shall notify counsel for Defendants in writing of any compliance issues or concerns they have. The parties shall meet at a mutually convenient time as soon as practicable to discuss the issues and/or concerns raised, and any other related issues. The meeting shall be scheduled at a mutually convenient time and place. The Parks officials who will attend those meetings include, but are not limited to: the Director of Personnel, the Comptroller, the EEO Officer, the General Counsel, and one or more managerial employees from each Borough who will be designated by the Commissioner.

**XV. ATTORNEY'S FEES AND COSTS**

47. No costs or attorney's fees will be awarded to the parties.

**XVI. MISCELLANEOUS TERMS AND PROVISIONS**

48. If any collateral challenge to the Consent Decree arises in any court, Defendants shall immediately notify counsel for the United States.
49. Any amendments or modifications to this Consent Decree shall be in writing and signed by each of the parties hereto.
50. Nothing in this Consent Decree shall be construed to relieve Defendants of their obligation to comply with any federal, state or city statute or regulation. In the event that any party contends that any Constitutional provision, statute or regulation conflicts with

Defendants' obligations under this Consent Decree, such party may apply to the Court for clarification of Defendants' obligations.

51. Nothing in this Consent Decree limits the authority of the United States, pursuant to Title VII or any other applicable statute, to investigate or act upon any complaint of discrimination brought to its attention, from any source, including but not limited to referrals of complaints by the EEOC, pursuant to 42 U.S.C. § 2000e-5.
52. The parties shall attempt to resolve informally any dispute, concerns, or perceived violations that may arise under this Consent Decree. To that end, the United States will notify Defendants in writing of any perceived instances of non-compliance by the Parks Department with the Consent Decree's terms. The parties also agree to meet and confer in good faith to discuss such matters and try to resolve them prior to any party seeking Court intervention.
53. If the United States has reason to believe that Defendants have violated the terms of this Consent Decree, it shall notify counsel for Defendants, in writing, thirty (30) days prior to bringing any motion to enforce the Consent Decree, including a motion for contempt, provided however, a party may give less notice if it demonstrates to the Court that an emergency need prevented it from giving the thirty (30) days notice and that the amount of notice it did give was required under the circumstances.
54. Only the parties to this Consent Decree can enforce its provisions.
55. Any applications to the Court under this Consent Decree shall be on notice to all parties.
56. Nothing contained herein shall be deemed to be an admission by Defendants that they have in any manner or way violated the rights of any person or entity, as defined in the

constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York.

57. The parties agree that this Consent Decree is subject to Rule 408 of the Federal Rules of Evidence. It is therefore the parties' understanding that the Consent Decree is not admissible to prove Defendants' liability for the claim of the United States that Defendants engaged in a pattern or practice of discrimination against black and Hispanic employees on the basis of their race and/or national origin in making promotion decisions.

58. The terms and conditions contained herein do not constitute an official policy or practice of the City of New York for purposes other than enforcement of this Consent Decree.

59. Copies of all notices, correspondence, reports or documents required to be provided by one party to the other under this Consent Decree shall be mailed to:

United States Attorney's Office  
Southern District of New York  
86 Chambers Street  
New York, NY 10007  
Attention: Chief of the Civil Rights Unit

The City of New York Law Department  
100 Church Street  
New York, NY 10007-2601  
Attention: Chief of Labor and Employment Law Division

60. Each party acknowledges that it has not relied upon any representations, warranties or statements of any nature whatsoever, whether written or oral, made by any person, except as specifically set forth herein and that this Consent Decree represents the entire agreement of the parties. No prior agreements, oral representations or statements shall be considered a part of this Consent Decree.

AGREED TO:

DAVID N. KELLEY  
United States Attorney for the  
Southern District of New York,  
*Attorney for United States of America*

BY: *Lisa Zornberg*  
LISA R. ZORNBERG  
RAMON E. REYES, JR.  
RUSSELL M. YANKWITT  
Assistant United States Attorneys  
86 Chambers Street, 3rd Floor  
New York, New York 10004  
Tel: (212) 637-2800

MICHAEL CARDOZO  
Corporation Counsel  
*Attorney for Defendants*

BY: *Barbara Butler*  
BARBARA BUTLER, *Senior Counsel*  
KATHLEEN M. COMFREY, *Senior Counsel*  
SHERRI ROSENBERG  
The City of New York Law Department  
100 Church Street  
New York, NY 10007-2601  
Tel: (212) 788-0303

SO ORDERED:

*[Signature]*  
UNITED STATES DISTRICT JUDGE

*June 8, 2005*



## **POLICY FOR POSTING AND FILLING JOB VACANCIES**

### **I. Purpose**

The purpose of this Policy is to set forth the process by which the Department of Parks & Recreation ("Parks") fills vacant job positions. Parks is committed to implementing a fair and consistent process that allows all Parks employees to learn of job vacancies and to compete on merit for promotional opportunities.

### **II. Application**

This Policy applies to the filling of job vacancies for which there is not an existing civil service list from which the appointment must be made and is not one of the following categories of positions: a) entry-level positions, which do not have in-house titles materially different from their civil service titles<sup>1</sup> (Attachment 1), b) lateral transfers (both intra and inter Borough) at the same title or position, with no change in salary or title, c) seasonal positions, and d) positions filled at the discretion of the Commissioner of Parks (Deputy Commissioner, Assistant Commissioner, Borough Commissioner, General Counsel and Chief of Staff to the Commissioner). In addition, the Commissioner, or a Deputy Commissioner may declare in writing that an emergency exists that requires a position to be filled in a shorter time than that required to do a posting.

### **III. Definitions**

For purposes of this Policy, the following terms have the following meanings:

1. A "Job Appointment Packet" refers to the following documents relating to the filling of a particular Job Vacancy: vacancy approval and tracking forms, postings announcing the Job Vacancy, all applications received by Parks for the position, all documents provided to the Recommending Panel regarding the applicants, ratings of the applicants and the recommending panel members' individually recorded designations of the names of the applicants they wish to interview, the interview questions posed to the applicants, a record reflecting who conducted interviews, interview notes, and all documents reflecting the Recommending Panel's recommendations and the Selecting Official's final decision as to who should be selected for the Job Vacancy.
2. A "Job Vacancy" refers to any vacant full time, year round position, which is covered by this Policy within Parks, either existing or newly created, known either by its

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<sup>1</sup> Parks nonetheless will post all entry-level positions.

civil service or in-house title. For purposes of posting, a Job Vacancy occurs when an employee leaves a position and Parks determines to replace the employee with another employee or when a new position is created and in both instances there is no extant civil service list from which an appointment to the position can be made. A new position is created when: 1) the City of New York's Office of Management and Budget provides funding for a new position or another funding source such as grant, IFA or CD funding is available, or 2) when Parks decides to fill the new position from a pool of candidates who are current Parks employees and there is no net increase in the overall Parks headcount when the position is filled (This option can only be utilized if it is approved by the Commissioner or a Deputy Commissioner and the Chief Fiscal Officer).

3. A "Posting" is any written notice or advertisement of a Job Vacancy. In addition:
  - a. An "internal posting" refers to a posting to which only current Parks employees may respond.
  - b. A "citywide posting" refers to a posting to which only current New York City employees may respond.
  - c. An "external posting" refers to a posting to which any person may respond.
4. A "Recommending Panel" is the panel of employees designated for a particular Job Vacancy, to review written applications screened by Central Personnel, interview applicants, and recommend to the Selecting Official who should receive the position.
5. The "Selecting Official" is the Commissioner or the person authorized by the Commissioner to make the final decision as to who will be chosen to fill a Job Vacancy.

#### IV. What Job Vacancies Must Be Posted Pursuant to this Policy

Parks will post every full time, year-round Job Vacancy before filling the position, except for entry-level positions, lateral transfers from the same title or position in one Borough to another Borough, and positions filled at the discretion of the Commissioner of Parks (Deputy Commissioner, Assistant Commissioner, Borough Commissioner, General Counsel and Chief of Staff to the Commissioner). In addition, the Commissioner or a Deputy Commissioner may declare in writing that an emergency exists that requires a position to be filled in a shorter time than that required to do a posting.

#### V. Creation of New Job Positions At Parks

The Commissioner's approval is required for the creation at Parks of any new job position at the Deputy Director level or above. The Commissioner or his or her designee will notify the Director of Personnel of any Job Vacancy arising from the creation of a new job position.

## VI. Initiating Internal, Citywide, and External Postings

1. When a vacancy for a Deputy Director<sup>2</sup> or higher level position will occur/has occurred, the person responsible for the division where the vacancy will occur/has occurred shall notify one of the following in writing: the Deputy Commissioner, General Counsel or an Assistant Commissioner or other official who reports directly to the Commissioner, ("other Official") with oversight responsibility for the division, or their designee. Upon receipt of the notice, the Deputy Commissioner, General Counsel, other Official, or their designee shall determine either that:

- a. the vacancy will not be filled, setting forth the reason(s) in writing, or
- b. the vacancy will be filled by completing the necessary section of the Vacancy Approval and Tracking form (VAT).

In the case of any vacancy below the level of Deputy Director, the decision whether to fill the vacancy or not is still ultimately made by the Deputy Commissioner, General Counsel or other Official, or their designee, but this decision does not need to be memorialized in writing.

2. In the event that the Deputy Commissioner, General Counsel, other Official, or their designee decides to fill a vacancy, he/she shall request that the vacancy be posted by completing the necessary section of the VAT form, except that, if the Commissioner or a Deputy Commissioner determines that the position needs to be filled on an emergency basis, without a posting, he/she shall set forth the reasons in writing why the position needs to be filled in a shorter time than that required to do a posting.

3. The Deputy Commissioner, General Counsel or other Official will designate an employee within the division seeking to fill a vacancy as the resume liaison. This individual must be familiar with the functions of the division and have an understanding of the position that is sought to be filled.

4. Once the posting request is approved, the Deputy Commissioner, General Counsel or other Official or their designee shall complete Part A. of the VAT form and forward the document to the Chief Fiscal Officer. At that time it will be determined: if the position is funded, i.e., whether the Office of Management and Budget has approved a line for the item in Parks budget or when another source of funding is available, such as grant, IFA or CD funding. The Chief Fiscal Officer will sign off on Part B. of the VAT, which will indicate approval of the following:

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<sup>2</sup> For purposes of this section, Deputy Director also shall refer to Deputy Chief of Recreation and Deputy Chief of Maintenance & Operations.



- a. an approximate salary range, based on the agency's available budget and the nature of the position(s).
- b. whether the posting will be internal or citywide (open to all City agencies) and/or external. It is Parks intention to initially seek qualified internal candidates for any vacancy. All postings will include an internal posting.

Parks may do a citywide or external posting if (a) an internal posting does not yield a sufficient number of candidates, or (b) based upon the number of Job Vacancies to be filled for a given position the Chief Fiscal Officer believes it is unlikely that the internal posting will yield the necessary number of candidates to fill the Job Vacancies, or (c) the specialized skills or knowledge necessary for a particular position may not be found among the existing Parks staff. The Chief Fiscal Officer may permit an internal, citywide and external posting at the same time if the position has funding and the Chief Fiscal Officer determines that, based upon the number of positions to be filled or the type of position, this is the most efficient and effective method to obtain qualified candidates. This determination must also be made in writing in advance of such action.

Once the Chief Fiscal Officer approves the VAT it will be forwarded to Central Personnel for development of the posting.

## VII. Development of Postings

Postings will be developed by the Personnel Division working in consultation with the Deputy Commissioner, Selecting Official, General Counsel or other Official that seeks to fill the Job Vacancy, or that Deputy Commissioner, Selecting Official, General Counsel or other Official's designee who is familiar with the job responsibilities of the vacant position. In developing the posting for a particular Job Vacancy, the Personnel Division will consider (i) past postings for the same or similar positions, (ii) civil service job specifications and requirements (including the minimum qualifications for the position), if applicable, (iii) any job requirements specific to the borough or particular office in which the Job Vacancy exists, and (iv) anything else that will assist in determining the preferred qualifications for the job position in question. The file on any particular posting must contain the current posting and any other posting used to develop the current posting and the civil service job specification(s). All postings will, at a minimum, specify:

- a. the deadline by which the Personnel Division must receive an employee's application in order to be considered for the Job Vacancy;
- b. the minimum qualifications necessary to apply;
- c. the essential job functions; and
- d. the anticipated salary level or range (based on the agency's available budget, the nature of the position(s) and on the applicable Civil Service min/max chart or charts.)

The Director of Personnel's final approval, or that of his/her designee, is required for all postings (Part C. of the VAT).

### VIII. Posting Period

Vacancies are posted for a minimum of ten business days. When Parks employs either a citywide or external posting the internal posting period will be extended by the time frame of the citywide or external posting(s) to give additional time for internal candidates to apply. If a posting period is extended, applications received after the initial deadline will be considered provided that the application was received before the end of the extended period of the posting.

If the decision to utilize a citywide or external posting is made after the initial internal posting period ends, Part D. of the VAT must be completed.

### IX. Where Internal Job Vacancies Are Posted

Parks will post internal postings of Job Vacancies in the following ways and locations to maximize their accessibility:

- a. the Parks Intranet website;
- b. the job opportunity bulletin boards in major Parks offices/facilities (Attachment 2); and
- c. the Personnel Division located in Arsenal West.

### X. Postings When Job Vacancy Has Been Filled on "Acting" Basis

When, because of emergency need and in accordance with this Policy, Parks appoints someone to fill a Job Vacancy on an "acting" basis, an internal posting for that Job Vacancy will go out no later than 15 business days after the "acting" appointment. This will facilitate the filling of the Job Vacancy on a non-acting basis as quickly as possible. Absent extraordinary circumstances, no one may serve in a position on an "acting" basis for longer than 6 months. However, employees who are appointed to fill a Job Vacancy on an "acting" basis may apply for the position like any other employee, consistent with this Policy.

### XI. Applying For A Job Vacancy

Internal postings will inform employees that, to apply for the Job Vacancy at issue, the employee must submit to the Personnel Division a resume and cover letter containing the following information:

- a. the applicant's name and address and telephone number;
- b. the Job Vacancy number/job title for which the employee is applying;
- c. the applicant's current job title (both civil service and in-house);
- d. the applicant's date of entry into Parks (i.e., number of years working for Parks);
- d. the applicant's educational background;
- e. the applicant's experience bearing upon the position he/she is applying for, including dates of employment; and
- f. the amount of time applicant has served in their current position.

Employees requiring assistance in preparing a resume and/or cover letter will be able to contact Central Personnel to arrange for that assistance. A contact number will be included in the Job Posting.

Employees who fail to provide all the required information in response to a Job Vacancy will not be considered for the Job Vacancy.

Employees who fail to file within the deadline for Job Vacancy will not be considered for the Job Vacancy.

Year round employees who have not completed at least nine months in their present job at Parks cannot apply for another job at Parks, until nine months after serving in that position, unless the Commissioner or a Deputy Commissioner documents in writing that circumstances warrant that an employee who has served less than nine months at their present job at Parks should be permitted to apply for another job at Parks.

## XII. Review of Qualifications

For every employee who applies for a Job Vacancy, the Personnel Division will review resumes to ensure that candidates meet the minimum qualifications, or are eligible to apply (i.e. if only full-time employees are being considered). For qualified applicants, Central Personnel will attach to the employee's application materials: (i) a statement of whether the employee was disciplined by Parks in the prior five years, and if so, a description of the infraction and discipline imposed; (ii) that employee's performance appraisals from the prior five appraisal periods; and (iii) a record of the employee's time and leave usage for the past year. If the employee has been with Parks for less than five appraisal periods, or if appraisals were not completed for the employee for one or more of the most recent five appraisal periods, then a reference to that effect will be included with the employee's application materials. In the case of a large number of applicants for a position the qualifications for City and external candidates can be set at a higher level than the minimum qualifications (based on education, years of experience, specific background) to ensure that only the highest qualified candidates are considered and that the number of interviews to be conducted does not become overly burdensome.

The additional criteria used to exclude applicants based on their qualifications will be explained in Part E. of the VAT and signed off by an EEO representative.

## XIII. Designation of Recommending Panel

For each Job Vacancy, the Director of Personnel, in conjunction with the Deputy Commissioner, Selecting Official, General Counsel or other Official of the division in which the Job Vacancy exists, will designate a Recommending Panel consisting of at least three (3) Parks employees. It will be the duty of the Recommending Panel to (i) review all qualified applications received for the Job Vacancy, (ii) interview qualified applicants, and (iii) recommend the Panel's top choices to fill the position, in order of preference. No person against whom a claim of discrimination has been substantiated in the preceding five years shall serve on a panel. The panel will be detailed in Part F. of the VAT and signed off by an EEO representative.

For each Job Vacancy, the Director of Personnel in conjunction with the EEO Officer will designate someone from Parks' EEO personnel to serve as "EEO Advisor" for that particular Job Vacancy. The

EEO Advisor's responsibilities will be to: (a) be available to answer EEO-related questions or concerns from the Recommending Panel or the applicants, (b) review application materials, panel notes, and other documentation relating to the filling of that Job Vacancy, to determine the existence of any discriminatory bias or violation of Parks' EEO policy, (c) bring any irregularities or evidence of bias immediately to the attention of the Director of Personnel and EEO Officer. The EEO Advisor may observe Panel interviews, but will not participate in the Panel's deliberations.

#### XIV. Panel Review of Applicants' Written Materials

Following the Personnel Division screening process, the Recommending Panel will be provided with a complete copy of all application materials submitted by qualified applicants (who meet the minimum stated qualifications, unless additional criteria as set forth in Part E of the VAT are used, in which case those employees who meet the minimum qualifications and the additional criteria will be submitted to the Recommending Panel) for the Job Vacancy. Each member of the Recommending Panel will independently review the written application materials and determine whether the applicant should be interviewed based upon an evaluation of the applicant's qualifications, including but not limited to, prior experience and job performance, years of service, performance evaluations, disciplinary history and time and leave usage. Panel members will independently record in writing (or indicate by other written measure) the names of those applicants whom they wish to interview. If any Panel member wants to interview an applicant, the Panel will interview that applicant.

The Personnel Division will then schedule interviews and advise every applicant chosen for an interview of the date and time.

#### XV. Interviews

During the interviews, the Recommending Panel will ask the same prepared questions of all applicants. The interview questions will be prepared in advance by the Personnel Division in consultation with the Deputy Commissioner, Selecting Official, General Counsel or other Official of the division in which the Job Vacancy exists, and the final questions are reviewed and signed off by an EEO representative in Part G. of the VAT. Panel members may also ask appropriate, job-related, follow-up questions of their own. The Personnel Division and Recommending Panel shall not share the prepared questions with any applicant in advance of the interview. All members of the Recommending Panel must fill out their own individual rating sheets for all candidates. The rating sheet categories must be appropriate for the specific Job Vacancy.

Candidates are interviewed by a consistent panel. The ratings of any panel member who misses an interview when there are 5 or less candidates will not be counted toward the final average. The ratings of any panel member who misses more than one interview when there are 5 to 9 candidates will not be counted toward the final average. The ratings of any panel member who misses more than two interviews when there are 10 to 15 (or a full days worth of) candidates will not be counted toward the final average. If interviews for a position(s) are held for multiple days, it is permissible to have a replacement panel member, as long as only one panel member

has a substitute and the remaining panelists do not change. Whenever possible, however, panel members are kept consistent and reasons for any absences will be noted in the interview records.

#### XVI. The Recommending Panel's Top Three Recommendations

At the conclusion of the interviews, the Recommending Panel will meet to discuss the applicants, their interview ratings, and to make a final recommendation to the Selecting Official as to which applicant is best qualified for the Job Vacancy. In the case of multiple positions to be filled, a sufficient number of applicants will be ranked in order to allow for a "1 in 3" selection, as used in interviews of persons on a certified civil service list.

The Panel's ratings will then be listed in the VAT (Part H.), ranking the Panel's top three choices by order of their ratings (or a "1 in 3" group) to fill the Job Vacancy. If the ratings for candidates are statistically close so that there is an insignificant difference between the top three rated candidates and one or more additional candidates, such additional candidates can be included in Part H of the VAT.

#### XVII. The EEO Advisor's Review and Certification

After the Recommending Panel has completed the Recommendation section of the Job Appointment Form, the EEO Advisor will promptly review the entire Job Application Packet, consisting of all of the rating sheets, written application materials, and other documentation associated with the process for filling that Job Vacancy. If the EEO Advisor finds no evidence of discriminatory bias in violation of Parks' EEO requirements, then he or she will sign the "Certification by EEO Advisor" (Part I.) of the VAT, certifying that he or she has reviewed the Job Application Packet and not found evidence of any EEO violation. If the EEO Advisor finds or suspects any discriminatory bias or EEO violation, then the EEO Advisor will immediately report those concerns in writing to the EEO Officer and Director or Personnel for prompt and appropriate investigation and, when necessary, remedial action.

#### XVIII. Decision by Selecting Official

The Selecting Official will then be given the VAT together with the Job Application Packet. The Selecting Official will indicate his or her selection decision in Part J. of the VAT and sign off. The Selecting Official may choose one of the applicants recommended by the Panel or, if the Selecting Official determines that none of the recommended applicants are acceptable, he or she can request that another posting process be initiated for the position or that Parks will no longer seek to fill the vacancy or the newly created position. In addition, if the Selecting Official determines that because of changed circumstances within Parks, including but not limited to budget cuts, it is no longer necessary to fill the vacant or newly created position, no applicant will be selected. The Selecting Official must indicate his or her reason(s) for not selecting one of the recommended applicants on the VAT. The EEO Officer at his or her discretion can review any decision by the Selecting Official.

#### XIX. "Acting" Appointments to Fill Emergency Need

When, in the judgment of the Commissioner or a Deputy Commissioner a Job Vacancy must be urgently filled in order to ensure the continued day-to-day operations of the Parks division or office in question, the Commissioner or Deputy Commissioner may appoint an employee to fill that position on an "acting" basis. In such cases the Commissioner or his or her designee or the Deputy Commissioner, shall prepare a justification memorandum explaining the urgency requiring the "acting" appointment. A copy of that memorandum will be sent to the Director of Personnel, who shall include the justification memorandum in the Job Application Packet relating to that Job Vacancy.

#### XX. Annual Meeting

Once a year the Director of Personnel, the Chief Fiscal Officer and the EEO Officer will meet to review postings and the filling of job vacancies. A joint memorandum to the Commissioner will be produced in order to apprise the Commissioner of how the procedures for the posting and filling of job vacancies are working and, where appropriate, to provide recommendations for the improvement of the procedures.

Dated: July 2004 (revised)



### **List of Entry Level Civil Service Titles**

Agency Attorney  
Agency Attorney Intern  
Architect Intern  
Assistant Gardener  
Assistant Purchasing Agent  
Assistant Surveyor Trainee  
Assistant Urban Designer  
Assistant Youth Service Specialist  
Auto Service Worker  
Blacksmith's Helper  
Boiler Maker's Helper  
Bookkeeper I  
Bricklayer  
Carpenter  
City Park Worker  
City Planning Technician  
City Seasonal Aide  
Civil Engineering Intern  
Clerical Aide  
Clerical Associate /A&B  
College Aide  
Community Assistant  
Community Associate  
Community Service Aide  
Computer Aide I  
Construction Project Manager Intern  
Co-op Ed Trainee  
Dockmaster  
Electrical Engineering Intern  
Engineering Tech. Trainee  
Exterminator  
Filter Plant Operator  
Forester I  
High Pressure Plant Tender  
Inspector (Construction)  
Investigator (Discipline) I  
Investigator Trainee  
Landmarks Preservationist I  
Landscape Architect Intern  
Letterer  
Machinist's Helper  
Maintenance Worker  
Mason's Helper



Mechanical Engineering Intern  
Office Machine Aide I  
Painter  
Plasterer  
Playground Assistant  
Playground Associate  
Plumber's Helper  
Procurement Analyst I  
Project Manager Intern  
Public Records Aide  
Public Service Intern  
Research Assistant  
Recreation Assistant  
Recreation Director  
Recreation Specialist  
Roofer  
Secretary/A&B  
Sheet Metal Worker  
Staff Analyst Trainee I  
Stock Worker I  
Summer Graduate Intern  
Telecommunications Associate I  
Urban Park Ranger  
Word Processor I

**Recruitment sources for entry-level titles include, but are not limited to, the following:**

Parks Seasonal Employees  
Parks Opportunity Program Participants  
Work Experience Program Participants  
Unsolicited Resumes  
Newspaper Advertisements  
Civil Service Lists  
Schools and Colleges  
Recruitment websites





**Job descriptions and qualifications are posted at District offices, Recreation Centers and at the following locations:**

<u>Bronx</u>	<u>Brooklyn</u>	<u>Manhattan</u>	<u>Queens</u>	<u>Staten Island</u>
Ranagua	Litchfield Villa	Arsenal West	The Overlook	Stonehenge
1 Bronx River Parkway, Room 101	95 Prospect Park West,	24 West 61 <sup>st</sup> Street, 5 <sup>th</sup> floor	80-30 Park Lane, 1 <sup>st</sup> floor	1150 Clove Road
718-430-1813	718-965-8909	212-408-0225	718-520-5991	718-390-8090
<u>Arsenal</u>	<u>Arsenal North</u>	<u>Olmsted Center</u>	<u>Five Boro</u>	
830 Fifth Avenue, Parks Library	1 East 104 <sup>th</sup> Street, 1 <sup>st</sup> floor	Flushing Meadows Corona Park	Randall's Island	
Room 240	Urban Parks Rangers Office	Main Entrance	Reception Desk	

**You can also see postings on the Parks Intranet [<http://home.intranet.parks/1>].** Postings can be accessed in two ways 1) at the top of the screen click on "Divisions" to "Personnel" to "Job Postings" or 2) scroll down on the left side to quick links and click on the red icon.

**Or call Central Personnel at 212-830-7851.**

**Remember to include the vacancy number on your cover letter and resume.**